IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

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WRIT PETITION NO.24735 of 2004

Between:

1. Toom Venkataiah, S/o Bheemaiah, Ex-Kavalkar.
2. Magir Chinnaiah, S/o Mallappa, Ex-Kavalkar.
3. Tandra Verappa, S/o Yellappa, Ex-Kavalkar.
4. Bakaram Nagamani, W/o B. Sailu, Ex-Kavalkar.
5. Peddemul Kashappa, S/o Narsaiah, Ex-Kavalkar.
6. Naokoti Laxmamma, W/o Ananthaiah, Ex-Kavalkar.

All are residents of Kodangal Village and Mandal, Mahabubnagar

District.

..... PETITIONERS

AND

1. The District Collector, Mahabubnagar, Mahabubnagar District.
2. The District Revenue Officer, Mahabubnagar.
3. The Revenue Divisional Officer, Narayanpet, Mahabubnagar Dist.
4. The Mandal Revenue Officer, Kodangal, Mahabubnagar District.
5. Toom Narsaiah, S/o Buggappa, resident of Kodangal village and Mandal, Mahabubnagar District.
6. Mangeri Sayanna, S/o Pedda Mallaiah, resident of Kodangal village and Mandal, Mahabubnagar District.

7. Tandra Chinna Yellappa (Died) as per L.R T. Ramulu, S/o Chinna Yellappa, resident of Kodangal village and Mandal, Mahabubnagar District.

8. Bakaram Mogulappa, S/o Basappa, resident ofKodangal village and Mandal, Mahabubnagar District.

9. Peddamul Chandraiah, S/o Pakerappa, resident of Burkapuram, H/o Kodangal village and Mandal, Mahabubnagar District.

10. Naikoti Ramaiah,S/o Anthappa, resident of Kodangal village and Mandal, Mahabubnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent Nos.1 to 4 herein in not disposing of the representations of the petitioners dated 25.08.2004 to consider the case of the petitioners for appointment of village servants of Kodangal village and Mandal, Mahabubnagar District on Votabandhi system as per the memo No.91911/VO/I/92-5, dated 23.1.1996 issued by the Secretary to the Government of Andhra Pradesh as arbitrary, illegal and without jurisdiction and consequently direct the respondent Nos.1 to 4 to consider and dispose of the representation of petitioners dated 25.08.2004.

Counsel for the Petitioners: MR.N.VASUDEVA REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

Counsel for the Respondent Nos.5 to 10: ----

The Court, at the admission stage, made the following:

ORDER:

Questioning the inaction of the respondents 1 to 4 in considering the representation of the petitioners dated 25.08.2004 for appointment as Village Servants of Kodangal Village and Mandal, Mahaboobnagar District on Votabandhi System as per the Government Memo No.91911/VO/1/92-5, dated 23.01.1996, the present writ petition is filed.

The petitioners stated to have appointed as Village Servants of Kodangal Village and Mandal, Mahabubnagar District on Votabandhi system by the 4th respondent-Mandal Revenue Officer on 05.11.1996. It is stated that challenging the said appointment order, the respondents
5 to 10 herein filed Writ Petition No.1063 of 1997, which was disposed of directing them to prefer statutory appeal to the 3rd respondent-Revenue Divisional Officer and accordingly the respondents 5 to 10 filed Appeal before the 3rd respondent. That the 3rd respondent-Revenue Divisional Officer allowed the said appeal on 16.09.2000 and set aside the orders of the 4th respondent-Mandal Revenue Officer dated 05.11.1996 on the ground that there was no consent from the respondents 5 to 10. It

is further stated that as against the said orders of the 3rd respondent, the petitioners preferred second appeal before the 2nd respondent-District Revenue Officer, and the 2nd respondent-District Revenue Officer allowed the said appeal vide order dated 28.12.2000 by setting aside the order of the 3rd respondent-Revenue Divisional Officer dated 16.09.2000 and the orders of the 4th respondent-Mandal Revenue Officer dated 05.11.1996 and directed the 3rd respondent-Revenue Divisional Officer to take action soon after the orders issued by this Court in W.P.No.11593 of 1996. The petitioners allege that the 2nd respondent instead of deciding the matter on merits directed the 3rd respondent to pass orders after disposal of Writ Petition No.11593 of 1996, and that there is no such writ petition is pending before this Court on the date of disposal of the second appeal by the 2nd respondent-District Revenue Officer. The grievance of the petitioners is that subsequent to disposal of second appeal, they made representation dated 25.08.2004 to the 4th respondent-Mandal Revenue Officer to consider their case for appointment as Village Servants on Votabandhi system, but no action has been taken so far. Hence, the writ petition.

Heard the learned counsel for petitioners and learned Government Pleader for Revenue. At their request the writ petition is taken up for final hearing at the admission stage itself.

Since the representation of the petitioners dated 25.08.2004 is said to be pending consideration before the 4th respondent-Mandal Revenue Officer, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with a direction to the 4th respondent-Mandal Revenue Officer to consider the same and pass appropriate orders thereon in accordance with law within a period of four months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

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(N.V. RAMANA, J)

Date: 30.12.2004

Nsr/Tvk

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, Mahabubnagar, Mahabubnagar District.

2. The District Revenue Officer, Mahabubnagar.

3. The Revenue Divisional Officer, Narayanpet, Mahabubnagar Dist.

4. The Mandal Revenue Officer, Kodangal, Mahabubnagar District.

5. Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

6. Two CD copies.